

**Exemption No. 5569**

**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
RENTON, WASHINGTON 98055-4056**

In the matter of the petition of

**DELTA AIR LINES, INC.**

**Regulatory Docket No. 27040**

for an exemption from § 121.310  
(f)(3)(iii) of the Federal  
Aviation Regulations

**GRANT OF EXEMPTION**

By letters of November 4, 1992, and November 19, 1992, Mr. Russell H. Heil, Senior Vice President, Technical Operations, Delta Air Lines, Inc., Hartsfield International Airport, Atlanta, Georgia 30320-5001, petitioned for exemption from § 121.310(f)(3)(iii) of the Federal Aviation Regulations (FAR) to permit operation until January 15, 1993, of airplanes having Type III exits that have not been shown to comply with the placarding requirements of § 25.813(c)(3).

**Section of the FAR affected:**

Part 121 prescribes rules governing the certification and operations of air carriers, air travel clubs, and certain operators for compensation and hire. Section 121.310 of that part contains, in part, standards for access to emergency exits. Paragraph (f)(3)(iii) of that section, as amended by Amendment 121-228, requires that after December 3, 1992, airplanes type certificated after January 1, 1958, must meet the requirements of § 25.813(c), effective June 3, 1992. Section 25.813(c), in addition to requiring improved access to Type III exits, also requires, in paragraph (c)(3), the installation of placards at Type III exits. These placards are intended to inform passengers how to open the exit in an emergency.

**The petitioner's supportive information is as follows:**

Delta Air Lines, Inc., submitted a letter dated October 7, 1992, requesting certain deviations, including those of compliance times, in

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accordance with the provisions of §§ 121.310(f)(3)(iv) and 121.310(f)(3)(v), from the improved access requirements of § 121.310(f)(3)(iii). The FAA responded on October 30, 1992, with grants to allow certain deviations from the configuration requirements of § 25.813(c), based on findings of equivalent safety, and grants to allow certain deviations from the compliance time specified in § 121.310(f)(3)(iii), in accordance with § 121.310(f)(3)(v).

The FAA also advised in that letter that a request for deviation from the compliance time for installation of the required placards may not be processed under the provisions of § 121.310(f)(3)(v), and that if those installations could not be accomplished by December 3, 1992, a petition for exemption should be submitted.

Accordingly, Delta Air Lines requests that exemption from the placard requirements of §§ 121.310(f)(3)(iii) and 25.813(c)(3) be granted effective December 3, 1992, and continue in effect until January 15, 1993. Additionally, they request that the publication and comment requirements of § 11.27(c) be waived, in accordance with the provisions of §§ 11.27(j)(3)(i) and (ii).

Delta Air Lines believes that the granting of this petition would be in the public interest in that if it were not to be granted, Delta Air Lines would be unable to operate those airplanes without placards after December 3, 1992. This would result in a severe disruption of scheduled service and inconvenience to the traveling public.

The FAA finds, for good cause, that action on this petition should not be delayed by publication and comment procedures for the following reasons: (1) a grant of exemption would not set a precedent in that it is for a time extension from a requirement and not permanent relief from the requirement and therefore would not create a public safety issue, and (2) delay on acting on the petition would be disruptive to the flying public and create a major economic burden on the operator.

**The Federal Aviation Administration's analysis/summary is as follows:**

The petitioner's request is for temporary relief from the compliance date mandated in § 121.310(f)(3)(iii) for accomplishment of the placarding provisions of § 25.813(c)(3). The necessity for the petition is based on insufficient time remaining to completely implement the mandated placarding by the required compliance date. This situation at Delta Air Lines had been identified by the petitioner in earlier correspondence requesting deviations to compliance times, when the petitioner was unaware that the deviation provisions of §§ 121.310(f)(3)(iv) and 121.310(f)(3)(v) were only intended to address the more complex tasks associated with reconfiguring access to Type III emergency exits.

In reviewing the available information, the FAA is not convinced that the petitioner has made its best effort to modify the affected airplanes in a reasonably expeditious manner. Note is made of the ample period of time from May 4, 1992, when the rule was published in the Federal Register, to the December 3, 1992, deadline for designing, procuring, and installing the required placards. The petitioner's argument regarding its intentions for processing the placard compliance date extension as a deviation request is without merit. If the petitioner had initiated compliance in a timely manner, it would not have been "impractical" to comply by the compliance deadline; and therefore the criterion for granting a deviation under the regulation could not have been met. Although the operator has brought about the need for this exemption through its own delays, the FAA nevertheless finds that it is in the public interest to grant the petition because the alternative

would be to ground the operator's aircraft and subject the public to an unacceptable degree of inconvenience.

With respect to the duration of the extension, Delta Air Lines indicates in their petition that the placards will be manufactured by November 19, 1992, incorporated into kits by November 23, 1992, and positioned in the field by December 1, 1992. Considering that 470 airplanes are affected, a six-week period of time until January 15, 1993, to implement the installations appears reasonable.

In consideration of the foregoing, I find that a grant of exemption is in the public interest and will not adversely affect the level of safety provided by the regulations. Therefore, pursuant to the authority contained in §§ 313(a) and 601(c) of the Federal Aviation Act of 1958, delegated to me by the Administrator (14 CFR 11.53), an exemption is hereby granted to Delta Air Lines, Inc., to permit operation from December 3, 1992, until January 15, 1993, of airplanes that do not comply with the placarding provisions of §§ 121.310(f)(3)(iii) and 25.813(c)(3), after which time the placards must be installed in order to be eligible for continued operation under the provisions of Part 121.

Issued in Renton, Washington, on December 3, 1992.

/s/ Ronald T. Wojnar, Manager  
Transport Airplane Directorate  
Aircraft Certification Service